

REMARKS

This amendment is responsive to the Office Action dated February 27, 2003. Claims 1-11 were pending in the application. In the Office Action, claims 1-11 were rejected. In this amendment, claims 1-4 and 6-11 have been amended.

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of the instant application are respectfully solicited.

§102 Rejection

Claims 1, 6 and 8-11 were rejected under 35 U.S.C. §102(e) as being anticipated by Smolen (USPN 5,915,243).

Applicant submits that the amended independent claims (claims 1, 6, 8 and 10) are patentable over Smolen.

The present invention is directed towards an information receiving device, a method for receiving information, an information transmission device and a method for transmitting information. The claims specify that points are allocated to a memory when a response program is viewed in its entirety by a viewer.

For example, claim 1 recites, in pertinent part:

“an operation means for operating points corresponding to a response program, said points being allocated to a memory when said response program is viewed in its entirety by a viewer.”

Claims 6, 8 and 10 contain similar limitations.

Smolen does not disclose “an operation means for operating points corresponding to a response program, said points being allocated to a memory when said response program is viewed in its entirety by a viewer.” Accordingly, Applicant believes that the independent claims (claims 1, 6, 8 and 10) are patentable over Smolen.

Claims 9 and 11 depend on claims 8 and 10, respectively. Since claims 8 and 10 are believed to be patentable over Smolen, claims 9 and 11 are believed to be patentable over Smolen on the basis of their dependency on claims 8 and 10.

§103 Rejections

Claims 2-4 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Smolen (USPN 5,915,243).

Claims 2-4 and 7 are dependent from one of the independent claims 1 and 6 and, due to such dependency, are also distinguishable from Smolen. Therefore, it is respectively requested that the above 103 rejection of claims 2-4 and 7 be withdrawn.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Smolen (USPN 5,915,243) in view of Goldhaber (USPN 5,855,008) and Gammie (USPN 5,270,809).

Claim 5 depends from independent claim 1 and, due to such dependency, is also distinguishable from Smolen. Goldhaber and Gammie as applied by the Examiner do not overcome the above-described discrepancies of Smolen. Accordingly, it is believed that claim 5 is distinguishable from the proposed combination of Smolen, Goldhaber and Gammie. Therefore, it is respectively requested that the above 103 rejection of claim 5 be withdrawn.

Applicant respectfully submits that all of the claims (claims 1-11) now pending in the application are in condition for allowance, which action is earnestly solicited.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney, and, in the event that the Examiner disagrees with any such opinion, it is respectfully requested that the

Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.


The Examiner has made of record, but not applied, several U.S. Patents. The Applicant appreciates the Examiner's implicit finding that these references, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No.50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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